

FILED

FILED
08 DEC -2 PM 2:24
RICHARD F. WIEFEL
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOV 21 2008

HAROLD S. MARENUS, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

In re:) BAP No. NC-08-1210
SHIRLEY VENOYA REMMERT,) Bk. No. 07-31336
Debtor.) Adv. No. 07-03121

SHIRLEY VENOYA REMMERT,
Appellant,
v.
DELFIN M. VENOYA, et al,
Appellees.

CV 08 80 253 MISC

ORDER TRANSFERRING IFP MOTION
TO DISTRICT COURT

VRW

Before: JURY, DUNN AND MARKELL, Bankruptcy Judges.

Appellant has filed a notice of appeal and motion for leave to proceed in forma pauperis ("IFP Motion") with respect to the above-referenced appeal.

Under the holding of Perroton v. Gray (In re Perroton), 958 F.2d 889 (9th Cir. 1992) and Determan v. Sandoval (In re Sandoval), 186 B.R. 490, 496 (9th Cir. BAP 1995), the Bankruptcy Appellate Panel has no authority to grant in forma pauperis motions under 28 U.S.C. § 1915(a) because bankruptcy courts are not "court[s] of the United States" as defined in 28 U.S.C. § 451.

Therefore, Appellant's IFP Motion is hereby TRANSFERRED to

1 the United States District Court for the Northern District of
2 California for the limited purpose of ruling on the IFP Motion.

3 It is Appellant's responsibility to take all necessary steps
4 to have the IFP Motion considered by the district court within a
5 reasonable period of time.

6 No later than **Thursday, December 12, 2008**, Appellant must
7 file with the BAP and serve on opposing counsel a written
8 response which includes as an exhibit a copy of the district
9 court's order on the IFP Motion or an explanation of the steps
10 Appellant has taken to have the IFP Motion considered by the
11 district court.

12 For the convenience of the district court, copies of the
13 notice of appeal, the IFP Motion, and the orders on appeal are
14 attached to this order.

15 **Failure to comply with the requirements of this order may**
16 **result in dismissal of this appeal for lack of prosecution**
17 **without further notice to the parties. 9th Cir. BAP R. 8070-1.**

019

FILED

AUG 15 2008

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

SHIRLEY V. REMMERT, PRO SE
990 Berkeley Avenue
P. O. Box 2577
Menlo Park, CA 94025
Tel: 650-921-8820

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO **CV 08 80 253 MISC**

In Re Shirley Venoya Remmert,
Debtor

BAP CASE NO. NC 08-1084
BANKR CASE NO. 07-31336-TEC13
ADVERSARIAL CASE NO. 07-3121
CHAPTER 13 / *EXHIBIT OF ORDERS*

VRW

Shirley V. Remmert,
Appellant,

HON. THOMAS E. CARLSON
CONTACT TEL. NO.: 415-268-2323

AMENDED

NOTICE OF APPEAL AND

v.

**EMERGENCY MOTION
FOR TRO/ INJUNCTION/
CRIMINAL INVESTIGATION/
WITNESS PROTECTION**

Delfin M. Venoya et al.,
Appellees

017

I, Shirley V. Remmert, the plaintiff, appeal under 28 U.S.C. sec. 158(a) or (b) from the order of the bankruptcy judge, Hon. Dennia Montali, entered in this adversary proceeding on the 6th day of August, 2008. 4020253 ATTACHED SUR

The names of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are indicated on the attached certificate of service.

DATE:

August 13, 2008

Shirley V. Remmert August 15, 2008
 Shirley V. Remmert
 Appellant Pro Se